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EXECUTIVE ORDERUnited States Authority and Functions in Germany
(Agreed HICOG-USAREUR draft)

By virtue of the authority vested in me by the Constitution and the Statutes, including the Foreign Service Act of 1946 (60 Stat. 999), as amended, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

1. Executive Orders 10062, dated 6 June 1949, and 10144 dated 21 July 1950, are revoked and the position of the United States High Commissioner for Germany is abolished.
2. The Chief of the United States Diplomatic Mission to the Federal Republic of Germany, hereinafter referred to as the Chief of Mission, shall have supreme authority, except as otherwise provided herein, with respect to all responsibilities, duties and governmental functions of the United States in all Germany. The Chief of Mission shall exercise his authority under the supervision of the Secretary of State and subject to ultimate direction by the President.
3. The United States Military Commander having area responsibility in Germany, hereinafter referred to as the Commander, shall have authority with respect to all military responsibilities, duties, and functions of the United States in all Germany, including the command, security and stationing of United States forces in Germany, the assertion and exercise of their rights and discharge of their obligations therein, and emergency measures which he may consider essential for their protection or the accomplishment of his mission. The Commander may delegate the authority conferred upon him. If action by the Commander or any representative of the Commander, pursuant to the authority herein conferred, affects the foreign policy of the United States or involves relations or negotiations with non-military German authorities, such action shall only be taken after consultation with and agreement by the Chief of Mission or pursuant to procedures previously agreed to between the Chief of Mission and the

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Commander or his representative. Either the Chief of Mission or the Commander may raise with the other any question which he believes requires such consultation. If agreement is not reached between them any difference may be referred to the Department of State and the Department of Defense for resolution.

4. The Chief of Mission and the Commander or his designated representatives shall, to the fullest extent consistent with their respective missions, render assistance and support to each other in carrying out the agreements and policies of the United States.

5. With regard to the custody, care and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined or hereafter to be confined in Germany as a result of conviction by military tribunals (A) The Chief of Mission shall share the four power responsibility in the case of persons convicted by The International Military Tribunal (B) The Chief of Mission shall exercise responsibility in the case of persons convicted by military tribunals established by United States Military Governor pursuant to Control Council Law No. 10 and (C) the Commander shall exercise responsibility in the case of persons convicted by other military tribunals established by United States Military Commanders in Germany and elsewhere. The Commander shall, on request of the Chief of Mission, take necessary measures for carrying into execution any sentences adjudged against such persons in category (B) as to whom the Chief of Mission has responsibility and control. Transfer of custody of persons in categories (B) and (C) to the Federal Republic of Germany as provided in the Convention on the Settlement of Matters Arising Out of the War and Occupation shall terminate the responsibility of the Chief of Mission and the Commander with respect to such persons to the extent that the responsibility of the United States for them is thereupon terminated pursuant to the provisions of the said Convention.

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6. If major differences arise over matters affecting the United States Forces in Germany, they may be referred to the Department of State and the Department of Defense for resolution.

7. This Executive Order shall become effective on the date that the Convention on Relations Between the Three Powers and the Federal Republic of Germany and Related Conventions come into force.